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June 21, 2021

**VIA ECF**

The Honorable John G. Koeltl  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Roche Cyrulnik Freedman LLP v. Cyrulnik*, Case No. 1:21-cv-01746 (JGK)

Dear Judge Koeltl:

We represent defendant Jason Cyrulnik and write to respond briefly to the letter filed by plaintiff Roche Cyrulnik Freedman LLP (“RCF”) on June 16, 2021 (Dkt. No. 28). Although we do not object to RCF’s request for an order temporarily sealing Cyrulnik’s motion to dismiss (Dkt. Nos. 23, 26) until RCF has an opportunity to file a motion to seal – indeed, that is the exact relief we sought in the letter we filed on June 11, 2021 (Dkt. No. 22) – we feel compelled to correct certain misstatements in RCF’s letter.

*First*, RCF states that Cyrulnik “refused” to agree to RCF’s request to seal portions of the record in the Florida action. That is false. In response to the request of RCF and its co-defendants in the Florida action to seal large portions of the pleading, Cyrulnik specifically agreed that he would *not* oppose the sealing of certain portions of the record, and asked RCF for information necessary to show there was a valid legal basis for sealing other portions in compliance with that court’s rules. RCF never bothered to provide that information.

*Second*, while RCF purports to ground its request in some unidentified ethical obligation to seal references to the fact of the firm’s representation, RCF’s actions indicate otherwise. In the order that RCF attaches to its letter, the Florida court directed RCF to meet and confer with Cyrulnik to determine which portion of the record should be redacted. During a telephone call on May 3, 2021, Cyrulnik requested that RCF provide proposed revised redactions in light of the Florida court’s order; seven weeks have passed since Cyrulnik made that request (and more than *eight weeks* have passed since the Florida court entered its order), and RCF still has not provided proposed redactions, or taken any other steps to seal the record. As a result, the portions of the record that RCF claims are confidential *remain unsealed on the public docket in the Florida action*

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– confirming that (consistent with its improper actions addressed in detail in the Florida action) RCF sought sealing in that case (and seeks sealing here) simply as a means to malign Cyrulnik’s professional reputation, and not to protect any information that it actually believes is confidential.

We are available should the Court have any questions about this matter.

Respectfully,

*/s/ Gavin D. Schryver*

Gavin D. Schryver

cc: Counsel of Record (via ECF)